

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

KENNETH MCALLISTER, *et al.*,

Plaintiffs,

v.

MILES J. RUSSELL, *et al.*,

Defendants.

No. 19-CV-6150 (KMK) (LMS)

ORDER ADOPTING R&R

KENNETH M. KARAS, District Judge:

On January 14, 2020, Magistrate Judge Smith entered a Report & Recommendation (the “R&R”) recommending that this Court hold discovery in abeyance and transfer this Action to the District of Delaware on the grounds that venue is improper in the Southern District of New York. (*See generally* R&R (Dkt. No. 35).) In the R&R, Judge Smith provided notice that objections to the R&R were due within 17 days and that failure to object would preclude later appellate review of any order of judgment that will be entered. (*Id.* at 3.) No objections were filed.

Because no objections have been filed, the Court reviews the R&R “only for clear error on the face of the record.” *See Brennan v. Colvin*, No. 13-CV-6338, 2015 WL 1402204, at *1 (S.D.N.Y. Mar. 25, 2015) (quotation marks omitted); *see also Iannolo v. Astrue*, No. 10-CV-7602, 2012 WL 523619, at *1 (S.D.N.Y. Feb. 16, 2012) (same). Having reviewed the R&R for clear error and finding none, the Court adopts the R&R in its entirety.

Accordingly, it is hereby:

ORDERED that discovery is held in abeyance and that the case should be transferred to the District of Delaware. The Clerk of Court is respectfully directed to transfer the case to the District of Delaware.

SO ORDERED.

Dated: February 12, 2020
White Plains, New York


KENNETH M. KARAS
UNITED STATES DISTRICT JUDGE